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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Daniel SCHMOUTZ et al.

Confirmation No.: 1428

Patent No.: 6,713,100 B1

Application No.: 09/617,930

Patent Date: March 30, 2004

Filing Date: August 16, 2000

For: CONFECTIONERY PRODUCT
COMPRISING VEGETABLES SOLIDS

Attorney Docket No.: 88265-340

REQUEST FOR CERTIFICATE OF CORRECTION UNDER 37 C.F.R. § 1.322

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Certificate
APR 22 2004
of Correction

Applicants hereby respectfully request the issuance of a Certificate of Correction in connection with the above-identified patent. The corrections are listed on the attached Form PTO-1050, submitted in duplicate. The corrections requested are as follows:

At column 13, line 45 (claim 1, line 2), change "solid fat selecting from the" to -- solid fat selected from the --. Support for this change can be found in the Examiner's Amendment attached to the Notice of Allowability mailed November 17, 2003.

At column 16, line 15 (claim 25, line 10), change "corn, oats, wheat, rye," to -- corn, oats, wheat, barley, rye, --. Support for this change can be found in application claim 40.

The requested corrections are for errors that appear to have been made by the Patent Office. Therefore, no fee is believed to be due for this request. Should any fees be required, however, please charge such fees to Winston & Strawn LLP Deposit Account No. 50-1814. Please issue a Certificate of Correction in due course.

Respectfully submitted,

4/20/04

Date

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202-371-5904

APR 22 2004

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO.: 6,713,100 B1
DATED: March 30, 2004
INVENTORS: Schmoutz et al.

Page 1 of 1

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 13:

Line 45, change "solid fat selecting from the" to -- solid fat selected from the --.

Column 16:

Line 15, change "corn, oats, wheat, rye," to -- corn, oats, wheat, barley, rye, --.

UNITED STATES PATENT AND TRADEMARK OFFICE
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Column 13:

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TABLE 14

BUTTERED POTATO FILLING	WT. IN GRAMS	% BY WEIGHT*
Base mix	120	34.25
Icing sugar	20	5.71
Vegetable whipping fat	19.98	9.99
Buttered potato flavour	0.17	0.05
Subtotal	175.17	50.00

*relative to the total weight of the mixture.

Solid vegetable fat and the other ingredients are added into the refined base mixture all of which are mixed for about 30 seconds at about 150 rpm using a Hobart mixer. The resulting mixture is then aerated up to a density of about 0.9 using a Morton pressure mixer for approximately 4 minutes and 30 seconds at a pressure of about 1.5 bar.

The potato compound is then tempered like a regular chocolate and molded to form the shells. The shells are allowed to set after which buttered potato filling is deposited into them using a piping bag. The filled shells are sealed with potato chocolate base to form the shell bottoms. The confectionery is allowed to cool down and then removed from the mold. The weight and proportions of the confectionery are shown in Table 15 below.

TABLE 15

INGREDIENTS	WT. IN GRAMS	% BY WEIGHT*
Potato shell	3.4	34.00
Buttered filling	5.00	50.00
Potato back-off	1.6	16.00
Total	10.00	100.00

*relative to the total weight of the mixture.

The final confectionery product has a diameter of about 2.7 mm, a height of about 2.2 mm, and a weight of about 10 grams. Their appearance and taste are quite similar to those of chocolate.

Deposit of Computer Program Listings

Not applicable.

What is claimed is:

1. A nutritious confectionery product comprising:

at least 25% by weight of solid fat selected from the group consisting of cocoa butter, derivative of cocoa butter, vegetable fat, and a combination thereof;

at least 15% by weight of non-cereal vegetable solids finely ground to a size of about 80 microns or less that are dispersed in a continuous fat phase of the solid fat which serves as a matrix for the vegetable solids that sets to form a stable shape for the product and to impart a confectionery texture to the product; and

from about 6 weight percent to 15 weight percent sugar to control hardness of the solid fat and reduce water activity to about 0.65 or less,

wherein the ratio of non-cereal vegetable solids to fat is between about 1:2 to about 3:1.

2. The confectionery product according to claim 1, wherein the fat is present in an amount of at least about 30% by weight of the product.

3. The confectionery product according to claim 1, wherein the non-cereal vegetable solids comprise finely ground particles having a size of about 40 microns or less.

4. The confectionery product according to claim 1 wherein the non-cereal vegetable solids are present in an

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amount ranging from about 30 to about 60% by weight of the confectionery product.

5. The confectionery product according to claim 4, wherein the non-cereal vegetable solids comprises at least one type of vegetable preparation selected from the group consisting of dried vegetable pieces, dried vegetable powder, vegetable paste or vegetable distillate, vegetable concentrate and mixtures thereof.

6. A nutritious confectionery product comprising:

at least 25% by weight of solid fat selected from the group consisting of cocoa butter, derivative of cocoa butter, vegetable fat, and a combination thereof; and

at least 15% by weight of non-cereal vegetable solids finely ground to a size of about 80 microns or less that are dispersed in a continuous fat phase of the solid fat which serves as a matrix for the vegetable solids that sets to form a stable shape for the product and to impart a confectionery texture to the product, wherein the non-cereal vegetable solids comprises a vegetable selected from the group consisting of potatoes, beans, lentils, peas, asparagus, aubergine, basil, broccoli, Brussel sprout, cabbage, carrots, cauliflower, celery, chicory, cucumber, curly kale, fennel, garlic, gourd, leeks, lettuce, marrow, mushrooms, okra, onions, parsnip, peppers, plaitain, pumpkin, corn, radish, spinach, spring greens, tomato, turnip, watercress, yam, zucchini, and mixtures thereof; and

from about 6 weight percent to 15 weight percent sugar to control hardness of the solid fat and reduce water activity to about 0.65 or less and wherein the fat imparts a melt-in-the-mouth sensation upon being placed in the mouth.

7. A nutritious confectionery product comprising:

at least 25% by weight of solid fat selected from the group consisting of cocoa butter, derivative of cocoa butter, vegetable fat, and a combination thereof;

at least 15% by weight of non-cereal vegetable solids finely ground to a size of about 80 microns or less that are dispersed in a continuous fat phase of the solid fat which serves as a matrix for the vegetable solids that sets to form a stable shape for the product and to impart a confectionery texture to the product; and

from about 6 weight percent to 15 weight percent sugar to control hardness of the solid fat and reduce water activity to about 0.65 or less,

wherein the product is formed from a chocolate or equivalent thereof where the vegetable solids have replaced at least a portion of the cocoa solids, sugar solids, or milk solids, or a combination thereof in the chocolate.

8. The confectionery product according to claim 6, wherein the ratio of non-cereal vegetable solids to fat is between about 1:2 to about 3:1.

9. The confectionery product according to claim 1, wherein the fat consists of cocoa butter, cocoa butter equivalent, cocoa butter replacer, crystallizable vegetable fat, and mixtures thereof.

10. The confectionery product according to claim 1, further comprising at least one cereal-based component in an amount of up to about 40% by weight of the confectionery product.

11. The confectionery product according to claim 10, wherein the cereal-based component is selected from the group consisting of corn, oats, wheat, barley, rye, rice, millet malt and mixtures thereof.

12. The confectionery product according to claim 1, wherein the vegetable solids comprise a combination of vegetables.

selected

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13. The confectionery product according to claim 12, wherein the sugar is selected from the group consisting of glucose, lactose, fructose, sucrose, maltose, dextrose, polydextrose, maltodextrin, inverted sugar, a product of the enzymatic saccharification of starch and mixtures thereof.

14. The confectionery product according to claim 1, which is at least partly covered by a fat-based layer.

15. The confectionery product according to claim 1, wherein the product is present as a center filling of a fat-based chocolate shell.

16. The confectionery product according to claim 1, wherein the product comprises a center filling and a shell, each of which comprises non-cereal vegetable solids and fat.

17. The confectionery product according to claim 1, further comprising a first further shaped component of an aerated mixture of a non-cereal vegetable component, a milk-based component and an optional sugar component, wherein the further shaped component is positioned adjacent the shaped mixture in a first set configuration.

18. The confectionery product according to claim 17, wherein the first set configuration is at least partly covered by a chocolate layer.

19. The confectionery product according to claim 17, further comprising a second further shaped component comprising a non-cereal vegetable paste, wherein the second further shaped component is positioned adjacent the shaped mixture in a second set configuration.

20. The confectionery product according to claim 19, wherein the second set configuration is at least partly covered by a chocolate layer.

21. The confectionery product according to claim 1, wherein the shape of the product is in the form of a bar, slab, rock, cluster or crisp.

22. The confectionery product according to claim 1, wherein the stable shape is placed upon a wafer or biscuit.

23. The confectionery product according to claim 22, wherein wafer or biscuit has the shape of a tube, boat or plane.

24. A nutritious confectionery product comprising:

of at least 25% by weight of solid fat, selected from the group consisting of cocoa butter, derivative of cocoa butter, vegetable fat, and a combination thereof; and

about 30% to about 60% by weight of non-cereal vegetable solids comprising finely ground particles having a size of about 80 microns or less, wherein the vegetable solids are dispersed in a continuous fat phase of the solid fat which serves as a matrix wherein the ratio of non-cereal vegetable solids to fat being from about 1:2 to about 3:1;

at least one cereal-based component in an amount of up to about 40% by weight; and

sugar in an amount from about 6 weight percent to 15 weight percent sugar to control hardness of the solid fat

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and reduce water activity to about 0.65 or less, wherein the product sets to have a stable shape and a confectionery texture with the fat imparting snap, gloss, and a melt-in-the-mouth sensation when the product is placed in the mouth.

25. The confectionery product according to claim 24, wherein the non-cereal vegetable solids comprises at least one type of vegetable preparation selected from the group consisting of dried vegetable pieces, dried vegetable powder, vegetable paste or vegetable distillate, vegetable concentrate and mixtures thereof; the fat comprises cocoa butter, cocoa butter equivalent, cocoa butter replacer, crystallizable vegetable fat, and mixtures thereof, the cereal-based component is selected from the group consisting of corn, oats, wheat, ~~rye~~, rice, millet malt and mixtures thereof; and the sugar is selected from the group consisting of glucose, lactose, fructose, sucrose, maltose, dextrose, polydextrose, maltodextrin, inverted sugar, a product of the enzymatic saccharification of starch and mixtures thereof.

26. A nutritious confectionery product comprising:

at least 25% by weight of solid fat selected from the group consisting of cocoa butter, derivative of cocoa butter, vegetable fat, and a combination thereof to impart snap, gloss, and a melt-in-the-mouth sensation upon being placed in a consumer's mouth; and

at least 15% by weight of non-cereal vegetable solids finely ground to a size of about 80 microns or less that are dispersed in a continuous fat phase of the solid fat which serves as a matrix for the vegetable solids that sets to form a stable shape for the product and to impart a confectionery texture to the product wherein the ratio of non-cereal vegetable solids to fat is from about 1:2 to about 3:1; and

from about 6 weight percent to 15 weight percent sugar to control hardness of the solid fat and reduce water activity to about 0.65 or less.

27. The confectionery product of claim 24, wherein the product is formed from a chocolate or equivalent thereof where the vegetable solids have replaced at least a portion of the cocoa solids, sugar solids, or milk solids, or a combination thereof in the chocolate.

28. The confectionery product of claim 26, wherein the product is formed from a chocolate or equivalent thereof where the vegetable solids have replaced at least a portion of the cocoa solids, sugar solids, or milk solids, or a combination thereof in the chocolate.

29. The confectionery product of claim 1, which further comprises a flavoring material in an amount sufficient to mask the natural vegetable flavor.

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barley,